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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,143	06/21/2005	Makoto Katsumata	050396	3589
23850	7590	04/05/2006		EXAMINER
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			MAYO III, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/540,143	KATSUMATA ET AL.	
	<b>Examiner</b> William H. Mayo III	<b>Art Unit</b> 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/21/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in present National PCT Application No. PCT/JP2003/016710, filed on December 25, 2003.

***Information Disclosure Statement***

2. The information disclosure statement filed June 21, 2005 has been submitted for consideration by the Office. It has been placed in the application file and the information referred to therein has been considered.

***Drawings***

3. Figures 9a-9b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The specification is objected because throughout the specification, the applicant has phrases like "Claim 2 describes a cable recited in claim 1, wherein the first and second marks are positioned at an end of the cable", which is improper form for the specification. The applicant is reminded that the claims are enabled by the specification and not vice versa. The applicant should delete the above phrases and all of the similar phrases and specifically state what material the applicant is trying to specify.
5. The specification is also objected because throughout the specification, the applicant refers to Figure 9 and not Figures 9a & 9b. The applicant should amend the specification to include the specific figure being discussed to provide clarity to the specification.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo (JP Pat Num 10-031918). Kondo discloses an electrical cable (Figs 1-15) having a conductor core (10) and a sheathing layer (12) covering the core (10), wherein the sheathing layer (12) is made by a synthetic material having an outer surface with a mono color (See Means for Solving the Problem, paragraph 20), wherein the freedom of

marking and lay out of the cable can be improved (see abstract under solution). Specifically, with respect to claim 1, Kondo discloses an electrical cable (Fig 12) comprising a first mark (83) having a first color and provided on a first part (left end) of an outer surface of the sheathing layer (12), and a second mark (right side of cable, 82) having a second color (see Means for Solving the Problem, paragraph 26) and provided on a second part (right end) of the outer surface of the sheathing layer (12), wherein the second color is provided by an ink feeder (18) that is a different from a first color which is provided by a second ink feeder (20, see Means for Solving the Problem, paragraph 26), wherein the second part (right end) is positioned on a opposite side of the first side (left end) in a lateral direction of the cable (Fig 12), wherein the first mark (left side of cable indicated by 83) is longer than the second mark (right side of cable, 82) in a longitudinal direction of the cable (Fig 12, see Means for Solving the Problem, paragraph 37). With respect to claim 2, Kondo discloses that the first mark (left end, 83) and the second mark (right end, 82) are positioned at an end of the cable (Fig 12). With respect to claim 3, Kondo discloses that the sheathing layer (12) of the cable (Fig 12) has a first outer surface (outer surface of the left end) and a second outer surface (outer surface of right end), wherein the first and second outer surface (outer surface of the right and left ends, respectively), each extending in a longitudinal direction of the cable (Fig 12), wherein the first outer surface (outer surface of the left end) is positioned oppositely to the second outer surface (outer surface of the right end) in a lateral direction of the cable (Fig 12), wherein the first and second outer surfaces (outer surfaces of the left and right ends) are provided with a plurality of first and second

marks (83 & 82, respectively) that are alternately positioned (Fig 12). With respect to claim 4, Kondo discloses that there may be at least three of the first and second marks (83 & 82) provided at the ends of the cable (Fig 12). With respect to claim 5, Kondo discloses that the sheathing layer (12) of the cable (Fig 12) has a first outer surface (outer surface of the left end) and a second outer surface (outer surface of right end), wherein the first and second outer surface (outer surface of the right and left ends, respectively), each extending in a longitudinal direction of the cable (Fig 12), wherein the first outer surface (outer surface of the left end) is positioned oppositely to the second outer surface (outer surface of the right end) in a lateral direction of the cable (Fig 12), wherein the first and second outer surfaces (outer surfaces of the left and right ends) are provided with a plurality of first and second marks (83 & 82, respectively) that are alternately positioned (Fig 12).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Kamata et al (Pub Num 2006/0021785 A1), Baker (Pat Num 3,197,554), Cohn (Pat Num 5,466,011), Moss (Pat Num 5,862,774), Giebel (Pat Num 6,437,248), Braim (Pat Num 3,663,359), and Yanagawa et al (JP Pat Num 2003-168329), all of which disclose cables having insulating sheaths, wherein markings are applied to the outer surfaces of the insulating sheaths.

***Communication***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III  
Primary Examiner  
Art Unit 2831

WHM III  
March 27, 2006